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January 22, 2020

Via efile and facsimile courtesy copy:
914-390-4179

Hon. Nelson S. Román, U.S.D.J.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601

**Re: Stipe v. Combe Incorporated – Joint Request Seeking Stay Pending Motion
Practice before Judge Seibel
7:19-cv-10360**

Dear Judge Román:

On behalf of defendant Combe Incorporated (“Combe”), the undersigned submits this correspondence pursuant to Your Honor’s individual practice rules, to jointly request, on behalf of all parties, a stay of the above-referenced *Stipe v. Combe* (7:19-cv-10360) matter, pending the outcome of Combe’s fully briefed motion to dismiss in the related case pending before Judge Seibel, *Du Boc Ali v. Combe* (7:19-cv-08501). The motion to dismiss which Combe previously requested leave to file in the instant case would be premised on the same preemption and other similar grounds as the *Du Boc Ali* motion. The parties believe that judicial economy will be served if the *Stipe* matter is stayed pending Judge Seibel’s adjudication of the *Du Boc Ali* motion, inasmuch as Plaintiffs are represented by the same counsel, and there is considerable overlap between the motions.

By way of background, Your Honor presently presides over one matter alleging personal injury and fraud premised upon use of Just For Men® (“JFM”) coal-tar hair dye products. Judge Seibel presides over multiple cases, including the proposed *Du Boc Ali* class action, as well as other cases alleging personal injuries and consumer fraud premised upon use of JFM. Combe’s motion to dismiss in the related case, *Du Boc Ali v. Combe* (7:19-cv-08501) was fully briefed and submitted to Judge Seibel on December 4, 2019. To promote judicial efficiency, avoid inconsistent rulings and conserve the parties’ resources, the parties jointly request a stay of the *Stipe* matter while threshold issues are decided in *Du Boc Ali*.

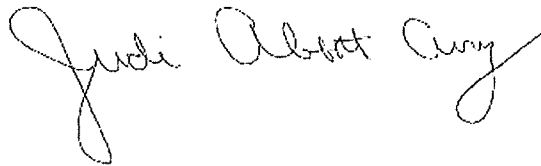
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For these reasons, Combe jointly requests with counsel for plaintiff, a stay of this matter since the threshold preemption issue is already fully briefed before Judge Seibel in a related case.¹ On behalf of Combe, thank you for your consideration of this matter.

Very truly yours,



Judi Abbott Curry

cc: Counsel for Plaintiffs, via ECF

The Court grants counsel's request to stay this action pending Judge Seibel's issuance of a decision on defendant's motion to dismiss in *Du Boc Ali et al v. Combe Incorporated et al.*, 7:19-cv-06187 (CS). Defendant's request for a pre-motion conference is denied without prejudice to renewal at a later date. Counsels' request to transfer this action to Judge Seibel was previously denied. (See ECF No. 7.) Counsel directed to advise this Court in writing on or before April 24, 2020 as to the status of the motion in *Du Boc Ali*. Clerk of the Court requested to terminate the motions (ECF Nos. 13 and 17).

Dated: Jan. 23, 2020

SO ORDERED.



Nelson S. Román, U.S.D.J.

¹ The parties have also requested transfer of this singular matter to Judge Seibel.